

REMARKS

Claims 1-17 are pending in the present application. Claims 1, 4, 5, 9, 12, 13, and 17 have been amended. Claims 3, 7, 8, 11, 15, and 16 have been canceled. Applicant respectfully requests entry of the foregoing amendments to Claims 1, 4, 5, 9, 12, 13, and 17 prior to further examination. No new matter has been introduced.

The Applicant thanks Examiner Chenevert for a helpful telephonic interview on October 29, 2004. In that interview, the Examiner indicated that subject to further review, the amended claims appeared to distinguish the cited prior art.

Regarding Drawing Objections

The drawings have been corrected as explained above. No new matter has been added. Acceptance of the drawing corrections is respectfully requested.

Regarding Specification Objections

The Specification has been corrected as explained above. No new matter has been added. Acceptance of the Specification corrections is respectfully requested.

Regarding Section 103 Rejections

Claims 1-3, 5, 7-11, 13, and 15-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Vandeberghe (U.S. Patent No. 6,357,813) in view of Squire et al. (U.S. Patent No. 5,851,049 and 5,851,050). Claims 4 and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over by Vandeberghe in view of Konchan et al. (U.S. Patent No. 5,358,301). Claims 6 and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Vandeberghe in view of common knowledge.

The present invention provides an electro-mechanical actuator for the release of a tailgate latch mechanism to open the tailgate by remote control in combination with a module having a pre-tensioned spring linkage with some degree of lost motion which arrests the tailgate in a partially open position.

Vandeberghe provides a power tailgate assembly capable of pivotally moving a tailgate between open and closed positions. The assembly includes a spiral spring 64 for exerting a rotational force on the control arm 18 which biases the control arm in an upward direction towards the closed position counterclockwise (See FIGS. 2 and 3). Thus, the control arm 18 rotates from the open position to the closed position about a pivot axis under the power of the electric motor 20 and against the bias of the spiral spring 64. The spring does not provide some degree of lost motion which arrests the tailgate in a partially open position.

Squire provides a hydraulic closure system for use in a motor vehicle that enables automatic opening and closing, as well as manual closing, of a closure pivotally mounted to an opening frame defining a closure opening in the motor vehicle. The system includes at least one hydraulic actuator assembly attached at opposite ends thereof to the closure and the opening frame, respectively. Squire does not provide a pre-tensioned spring with lost motion that arrests the tailgate in a partially opened position.

Konchan provides a removable tailgate assembly connected to a vehicle body. The tailgate assembly may be removably lifted from the vehicle body when the tailgate is pivoted to a removal position. The tailgate assembly includes a torque rod counterbalance spring for providing a counterbalance force to assist in the opening and closing of the tailgate. The torque rod does not provide some degree of lost motion which arrests the tailgate in a partially open position.

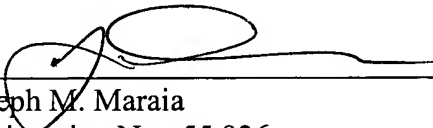
Neither Vandeberghe, Squire, nor Konchan, alone or in combination, teach, suggest, or otherwise make obvious “controlling a descent of a tailgate with a module by arresting the tailgate in a partially opened position with a pre-tensioned spring with lost motion.” Independent Claims 1, 9, and 17 have been amended to include this limitation and are therefore allowable. Claims 2, 4-6, 9, 10, and 12-14 depend from an allowable base claim and are also allowable.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 
Joseph M. Maraia
Registration No. 55,926
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

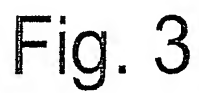
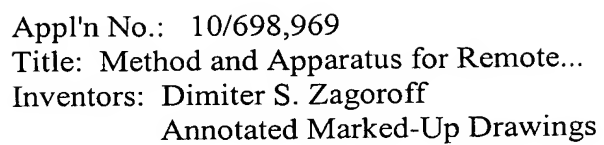
Dated: 11/12/24

Amendments to the Drawings

Fig. 3 has been amended to include reference numeral 32.

Fig. 6A has been amended to show handle 21 in the closed position.

Attachment: Replacement Sheets
Annotated Marked-Up Drawings





Appl'n No.: 10/698,969
Title: Method and Apparatus for Remote...
Inventors: Dimiter S. Zagoroff
Annotated Marked-Up Drawings

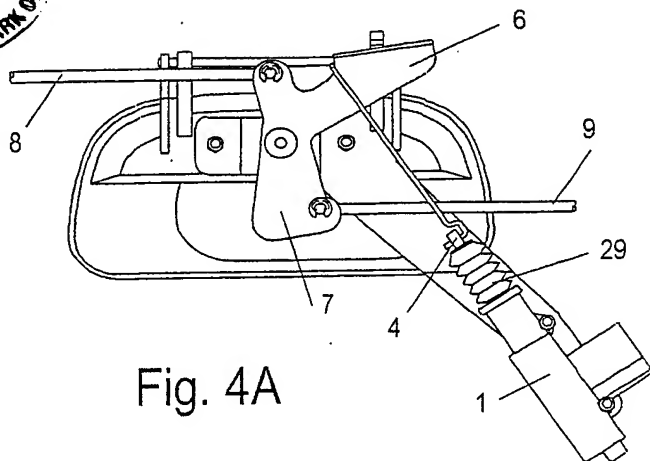


Fig. 4A

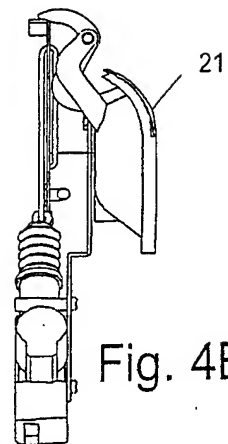


Fig. 4B

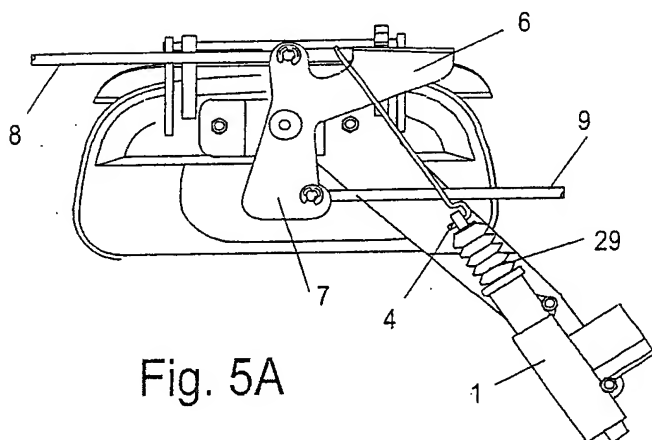


Fig. 5A

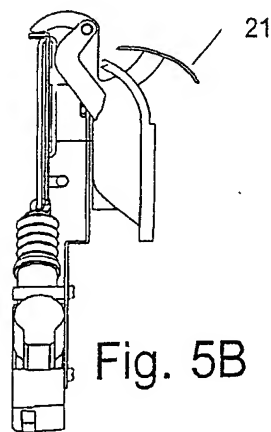


Fig. 5B

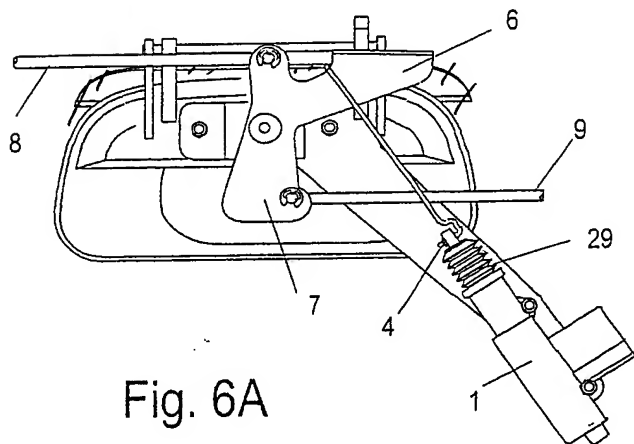


Fig. 6A

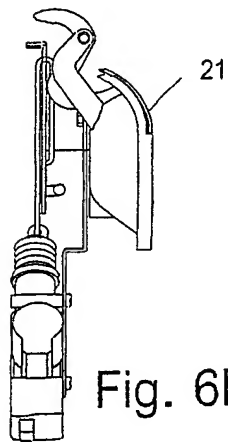


Fig. 6B